SPEECH

OF

HON. JOSEPH M. ROOT, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1850,

In Committee of the Whole on the state of the Union, on the Resolution referring the President's Message to the appropriate Standing Committees.

Mr. ROOT addressed the Committee as follows:

Mr. CHAIRMAN: In the remarks which I shall submit to the committee I do not intend to wander far from that portion of the President's annual message which relates to the Territories recently acquired from Mexico. I shall first notice his recommendation respecting California; and I beg leave here to say, that perhaps under other circumstances I should feel disposed to criticise some of the proceedings which led to the formation of a constitution for California and her application to be admitted into the Union as a State. I might think that a better boundary might be prescribed for her on the east. Yet as things now stand I am perfectly willing, ready, and desirous to have her recognized as a State with her boundaries as they are. I go further, and say that I wish her eastern boundary were the Nueces instead of the one she has prescribed for herself. Sir, with all that territory, California would not be much larger than Texas—certainly not larger than Texas would be if she could get all she claims; and it would enable us, if she were admitted a State of that size, to make some of those fair compromises of which we have heard so much of late. We could then carve out of California a free State to go along with any slave State that might be carved out of Texas. But that is out of the question now; and I only repeat what I have said before, that in the present state of things I am glad that California has so much territory within her boundary, and I shall go for recognizing her as a State, admitting her into the Union, and ratifying all that she has done in the premises, notwithstanding any irregularities that may have attended those transactions.

So far I am ready, Mr. Chairman, to second the President's recommendation. But he has gone further, and has given us advice with respect to the residue of the territory acquired from Mexico. He does not tell us what he desires us to do, but tells us he desires us to do nothing; that we should let New Mexico and the rest of that territory alone—have nothing to do with it. Again, with respect to the boundary of Texas, he desires us to let that alone, too. He warns the legislative authority not to interfere with that matter.

Here, sir, I cannot follow his advice; here I must be permitted to question the wisdom of his recommendations. I am for doing something. I believe that Congress has a duty to do, and I am for having it done *by Congress*. And I would like to have that done which I believe best, not only for that territory, but best for the whole country; and I believe that, so far as the question of action or non-action is concerned, a large majority, both in this House and in the other branch of Congress, are in favor of it. Certain I am that the let-alone policy—the "masterly inactivity" policy—cannot find many friends among the people. To be sure, there may be very wide differences of opinion among gentlemen. Some may desire that one thing, some another, and some that still another thing should be done; but I believe that there is a majority of this House who are in favor of having something done. Most gentlemen seem to think that action, and prompt action, is required at our hands; and I may be permitted, I trust, to express my surprise at the wonderful change that has been going on in the mind, not only of the President, but of a good many of his northern friends, since the close of the last session of Congress. I need not tell you how urgent the friends of the President were then to have some sort of a government provided for California. I do not, of my own knowledge, say that the President was urgent. I never heard him say a word on the subject; but it was said he was; and a paper in this city, professing to be advised of his opinions, and to speak for him, said he was very anxious indeed that Congress should provide some government for California. Why, his conversations were published in many newspapers—whether correctly or not I don't know; but it was asserted, and so far as I know not contradicted, that he urged personally upon members of Congress, "For God's sake to provide *some* government for California, beside the government of the bowie-knife;" and the only dispute about what his views and wishes were, was as to the kind of government which he desired. Some gentlemen insisted that he favored the proposition which originated in the Senate, and was stuck on the civil and diplomatic appropriation bill—known as the Walker amendment; others said he was perfectly indifferent as to what kind of government it was, so that some government was provided. Well, Congress did not provide any government. You know why, Mr. Chairman, as well as I do—any member of the last Congress, who was present at the close of the last session, must have understood

perfectly well why a government was not provided for California. It was not the fault of the House. The House, in season, passed a bill providing a territorial government for California; they sent it to the Senate in time for that body to have acted upon it, if they had been disposed to do so; but that august body did nothing with it; they laid it away, and it was never heard of again. The next we heard from them on the subject was a money bill—the civil and diplomatic appropriation bill—with the Walker amendment attached to it. I think it was pretty generally believed at the time by the friends of the present Administration, and perhaps by others, that that amendment was to become a law. I cannot speak authoritatively, but I know we had a very decided expression of opinion from gentlemen, then and now members of this House, that it would pass. The men who were to pass it were, it was said, all counted and booked; and if the screws only stuck, we were told it would go through. We had some exceedingly tight screws, and then again a good many loose ones. The latter gave the former a good deal of trouble and vexation of spirit. All who were here at the last session must remember that last memorable night—Saturday night and Sunday morning. We remember what efforts were made to pass that Walker amendment, and we remember how it was defeated. It never was relinquished until it became a "fixed fact," that, if insisted upon to the bitter end, the whole civil and diplomatic appropriation bill must be lost. Ay, I know the fact now, and I knew it then, that there were a sufficient number of men bound to that purpose; and they would have carried it out if God had spared their lives and strength. Yes, sir—I was one of them. Never, never should the Walker amendment go through the House, if we by any legitimate proceedings could prevent it. We are told that southern gentlemen have that example in view.

A VOICE. Yes, and we intend to profit by it.

Use it sparingly, gentlemen. We had only thirty-six hours to fight against. I believe if we had had thirty-seven some of our men would have given out, and they were precisely those who were fiercest at first. If you begin six months beforehand you will get out of breath, I think. Don't jump too quick, nor take too long a start. Take it coolly, as we did, and then—good luck to you.

Let me inquire again why it is that the Administration, which was no longer ago than March last so anxious to provide some kind of a government beside a "bowie-knife government" for California, which then had a population, I believe, not exceeding 20,000, should now, when we come to consider of a territory containing a population of at least 100,000, think a "bowie-knife government" is just the right sort of government for them? If they wanted a law enacted for California last session, why not have a law enacted for New Mexico now? If a bowie-knife government would not answer for California then, with a population of 20,000, why is a bowie-knife government good enough for New Mexico now, with a population of 100,000? "Oh! there is a little alarm among them about Indians; but then there is a sufficient military force to protect them." Is that all the danger? What say the people, or rather, what says their convention, of their wants, wishes, and condition? If there was ever a people belonging to the United States that needed law, a clear law, a law that can be easily understood and promptly and impartially executed, it is the population of New Mexico. Why, it is as incongruous a population as it is possible to find on the continent. A great many of them have but a very small dash of white blood, others have a pretty considerable dash of the African. No matter what their blood or race is; no matter how or of what that population is made up, they are all our fellow-citizens now—made so by the treaty; and it is too late now to regret the possibility that some of them may be sitting along side of us here before a great while. That you should have thought of before, whilst you were carrying on a war for the acquisition of territory——

Mr. JONES here interposed and put some question to Mr. R.

Mr. ROOT. I cannot allow the gentleman to interrupt me—with all respect. If there is anything unsound in my argument, the gentleman can get the floor and answer it hereafter.

I insist, Mr. Chairman, that we should go forward, and provide some sort of a government for New Mexico as well as admit California into the Union as a State. I insist that it is our duty; that it is due to those people; that it is due to the people of the States. Why, how long is it since we had a great clamor raised here about Minnesota! Everything was going to wreck and ruin because Minnesota had no government—Minnesota with less than ten thousand inhabitants then, and with but little prospect of a very rapid increase, for it is in the hyperborean region. At this season of the year traveling is done there on snow shoes. It is a good lumber country, a fine country, in many respects, and it will be peopled when our northern people have nowhere else to go, and some may prefer perhaps to go there when they could go elsewhere. But there was a great necessity, it was said, for a territorial government there! and my colleague [Mr. SCHENCK] really incurred a good deal of censure at the time because he insisted that we should be careful what kind of a government we provided for those people, and that time should be allowed to examine and perfect the bill. The case was so urgent, it was said, that the bill must be passed at once.

I am unwilling to leave the people of New Mexico, Deseret, &c., without law, or without officers duly authorized to administer the law. I am unwilling to allow Executive discretion as wide scope there as it has had in California; and I am still more unwilling to allow the military government that seems to be the only one that the United States has provided for those people, to continue longer. Such things were bad enough in time of war—they are intolerable in time of peace.

Indeed, sir, so obviously proper is it that Congress should provide a territorial government for those people, that some of the wisest of the friends of the Administration in Congress, have, in the face of the recommendations of the Executive, expressed a determination to bring in a bill or bills for that purpose; and I only regret that they do not propose to have their bills contain a prohibition of slavery in all the territory; but the bills might be amended by inserting such a prohibition, if there were even in this House a majority in favor of it. I am for doing that. I believe it to be not

only the right but the duty of Congress to insert such a prohibition. I believe we have the authority to do it, and that a majority of the people of the United States desire that it should be done; that it would be better for the United States, better for the people of the territory, better in every respect that it should be done. I will not enter into an argument here about the effect of the law of Mexico, the law of the country as it existed when we acquired it. Suppose, sir—and I will not dispute the fact—that the law in and of itself prohibits slavery; we know that a large and respectable portion of the people and of the people's Representatives insist that it does not exclude slavery. They claim that the people of the slaveholding States have the right to go there with their slaves and hold them as they could at home in their own States. While men of wisdom, patriotism, and determination, hold that this is the fact, that this is the clear law of that land, that this is their undoubted right, and whilst they declare that they will exercise that right, are we to be told that it is unnecessary and inexpedient to settle this vexed question? However clear my own opinion may be, since a respectable portion of my fellow-citizens entertain a different opinion, I will go for settling the dispute, for quieting the controversy, for putting this bone of contention out of the way forever.

Well, sir, what are the objections to the enactment of this prohibition against slavery in those territories now free? Why should it not be done? If a majority of the people desire it, if a majority of their Representatives and Senators will vote for it, why should it not be done, let me ask. "Oh, because it is a disturbing question—because it will disturb the harmony of the country!" I strongly suspect that this argument is based rather upon the fear that it will disturb the harmony of party—that it is a good deal more on account of its disturbing the harmony of party than the harmony of the country. Again, it is said that it would be "aggression" upon the slaveholding States, and we are warned, solemnly warned, and exhorted—gentlemen say they don't intend to menace us—but to warn us to cease our aggressions!—the South will never submit to them! Are not gentlemen mistaken as to the fact of there ever having been any aggressions upon them? Why, who has been gaining most relatively since the Constitution was adopted? What kind of results have followed these long-continued aggressions on the South by the North? What was the state of things at the adoption of the Constitution? There were thirteen States. To be sure slavery in some form still existed in a majority of them; yet there were not to exceed five that did not at that time contemplate an almost immediate abolition of slavery within their respective borders. And, sir, there were not to exceed three whose delegates in the convention did not express the hope that the day was not far distant when it would cease to exist entirely. I do not say that they were unanimous in this expression. There were men from Virginia and from North Carolina who expressed the wish and the hope that slavery should be abolished in those States.

Mr. ASHE interposed, and wished Mr. R. to mention the name of any man from North Carolina who, in the convention, expressed the hope that slavery would be abolished in North Carolina.

Mr. ROOT. It wasn't the gentleman, nor any of his ancestors. [A laugh.] I think I am correct in the statement I have made; but if there were even four States whose delegates did not express the hope that slavery would be abolished in their States, there was a majority of anti-slavery States. There were all the New England States, New York, New Jersey, and Pennsylvania—anti-slavery States. To be sure, New York, New Jersey, and Pennsylvania had slaves, but they were all looking forward to the time when they would get rid of slavery. It was an anti-slavery convention; there was a majority of anti-slavery States represented in it. And what did the first Congress that assembled under the Constitution do? The Representatives from all the States, acting together, provided for organizing a territorial government for the only territory we then had—the Northwest Territory—for excluding slavery therefrom, and for creating five additional States, to be formed out of that territory, and every one of them was to be a free State. So that the anti-slavery States at that time outnumbered the slave States; and it must have seemed probable, if not certain, that the disproportion would shortly become still greater. Certainly, the "balance of power" was not deemed essential to the safety or welfare of the slave States then. That is a new idea. At that time they could not and they did not contemplate that there was ever to be an equal number of slave States to free States in the Union. But the acquisition of Louisiana, and Florida, and Texas since—events which could not then have been foreseen—gave the slave States great advantages over the free States; till now, after "sixty years of aggression by the North upon the South," there are just as many slave States as free States in the Union, and gentlemen tell us that it would be an unheard-of outrage for a free State to be admitted into the Union without at the same time admitting a slave State.

I may add, that the framers of our Constitution seem never to have contemplated the acquisition of territory from other nations. If they did, they made no express provision for its disposition and management. Doubtless they had a distinct idea of what kind of authority might be exercised under the war-making and treaty-making power. But all the provisions of the Constitution relative to territory seem to refer to the territory which the United States then possessed; but it by no means follows that Congress has not authority to make laws for and to govern the territory we have acquired since. Under the treaty-making power we have both acquired and ceded away territory, and yet it is claimed that the law-making power of the United States may not govern such territory. Sir, it always has done it. Southern Representatives and Senators and Presidents have assisted in doing it, and it is now too late to urge that they have acted without authority.

Indeed the power to prohibit slavery in territory belonging to the United States has been exercised by Congress again and again, and just as often conceded by southern statesmen; but if it were not so, we might well say to those gentlemen who deny the power—show us the power to acquire and to cede away territory, and we will show you the power to govern it.

There is no doubt, then, Mr. Chairman, as to the power, the right, of Congress to legislate over

this subject—to make such a prohibition. There are some of the non-action, non-intervention gentlemen who entertain notions which I will not undertake to describe—for I never could understand them. But I believe that a large majority of the people and of their Representatives agree upon this: that Congress has the exclusive right to legislate for the Territories. There is a difference of opinion as to the extent of that right, but there is no difference in the minds of a vast majority both of the people and their Representatives, that Congress has the exclusive right; that there is no other authority to legislate over the Territories than that which is exercised by, or derived from, Congress. And how is the power of Congress over this subject limited? By the rights of the States? And what are the rights of the States as such in the Territories? Not to carry their *laws there* and have them enforced, certainly, but to have laws for the Territories made by Congress, in which the States are all represented. One State has no more right to control the Territories than another; nor have all the States any right to control them. It is Congress, and Congress alone, that has any and all authority over them; and it would be impracticable for any authority to be exercised over them except by Congress. A pretty business the thirty different States would make of it if they were all to legislate separately for the Territories according to their various views of expediency and propriety; and a pretty code it would be if all the laws of all the States were put in force there. And yet, if one State might make laws for the Territories, all might, and all would be equally binding.

It sounds queer to hear gentlemen, in the same breath that they tell us Congress has no right to prohibit slavery in the Territories, offer us a compromise—how? Why, by Congress prohibiting slavery north of a certain line, and saying nothing about it south. Is it constitutional, then, for Congress to prohibit slavery north of 36° 30′, or of some other line which may be agreed upon by the parties, but unconstitutional to prohibit it south of that line? Why, after you tell us it is unconstitutional for Congress to prohibit it at all in any of the Territories, what kind of a compromise do you offer us when you agree that it shall be prohibited in a portion of them? What does an unconstitutional prohibition amount to? What do we get by such a compromise? Why, merely a prohibition which is good for nothing. We could not make such bargains—however much in a bargaining mood we might be. I dont know what others may do—I am not a compromising man. I cannot compromise upon a constitutional question—I cannot compromise upon a question of human freedom—and, so help me God, I will not. I tell you I belong to that reviled political sect, the Free Soilers. I go against any slave territory, any more slave States. You shall have no difficulty in making up an issue with me. Perhaps it is vaunting too much to say so; but I trust you will have no difficulty in getting me to a trial—bring this cause to a hearing as soon as you please—God and the country decide between us. I believe that delay is the cause of more trouble than anything else. Why, this question ought to have been settled long ago. I tell you, if you settle it by the legislative power of this Government against my views of right, I will submit. I believe I may say the same for the mass of the people of the North. But if it is settled against you—if slavery be prohibited in these Territories, we are told you will not submit: no, you will never submit. You will not submit to degradation! You roll up your eyes in astonishment at the mere introduction of such a proposition into this House. Have you really, sir, been taken by surprise? Did you never hear of such a thing before, or did you think northern men were not in earnest when they told you that they should endeavor to exclude slavery from all territory to be acquired from Mexico? I confess they have given you but too good reason to think so.

You, Mr. Chairman, are a southern man, and a friend of the late Administration. You were a member of the 29th and 30th Congresses, and an ardent supporter of the Mexican war. Let me ask you, sir, what was that war begun and prosecuted for? Was it not for territory? and was it not obvious from the beginning that it would only result in the acquisition of territory? and was it not just as obvious that when the territory should be acquired, the strife that we now have must come? Were you not warned, over and over again, that the attempt would be made to exclude slavery from it, and that it would be persisted in to the end? Yes; but you and your friends sneered at the warning. You confidently expected to be able to appropriate the whole or the greater part of it to slavery. Had you believed that you would not be able to do that, the war would have ceased; indeed, it never would have been begun. A southern President and southern members of Congress will never go to war to conquer *free* territory. Did not your late candidate for President, writing to a friend in time of the war, say that the Wilmot proviso would be death to the war and death to the Democratic party? Aye, and he never said a truer word.

Mexico is weak and distracted. Her condition invites aggression. Her mines and her valleys now and ever will hold out almost irresistible temptations to our southern brethren to provoke war with her, which must always result in the conquest of her territory; and the sympathy of her people with the African race will always afford means of provoking war. Only one thing can prevent such wars, and that is to convince the southern people that the territory, if conquered, must ever remain free. That will do it, sir. Let the people of the slave States be assured that whatever territory may hereafter be conquered of Mexico will be free, and they will keep the peace towards that country without bonds.

Now, it is quite obvious that if the Territories or States bordering on Mexico should be slave soil, then the adjoining Mexican territory, when acquired, would become slave soil; and that if, on the contrary, our border should be free soil, any future acquisitions of Mexican territory must also be free soil. And it is only when we view the question in this light that we can see all its importance. By prohibiting slavery in the territory already acquired from Mexico, we exclude it forever from the territory yet left to Mexico, and, what would be no less desirable, we should prevent future wars of conquest being waged by this country against that, and which could not fail to provoke the wrath of a just God against us. It is for these reasons that I say it is our duty to prohibit slavery in the Territories;

and I wish that this House, at least, would always stand firm upon this ground. I once thought it always would—that it would never abandon this position. And permit me to tell you that so long as this House shall stand firm for free soil, no matter what the Senate may do, no matter what the President does, the cause of freedom will be safe. Just let it be understood by the people of the Territories that they can never come into this Union as a State—that the House will stand in their way and keep them out as long as slavery is tolerated in their constitution, and, sir, we shall have no slavery constitutions presented here. That is what put freedom into the California constitution. That, if anything, will put freedom into the New Mexico constitution, if you only make them understand that they cannot get into this Union with a constitution tolerating slavery. If this House will only do its duty, and stand firm upon this ground, if the majority will obey the will of their constituents, slavery never will be extended.

No thanks to the President, or his Secretary, or his special agent, for the prohibition of slavery in the constitution of California. I believe, and think I have good reason to believe, that they would each have preferred that that constitution should have been silent on the subject; but the disposition that this House had manifested deterred southern men from taking their slaves there, whilst the newly-discovered gold mines drew hardy adventurers from every part of the free States, and thus a large majority of the people there were for free soil, and the politicians made their acts conform to the will of the people.

The case is different with New Mexico. It is easier of access to the southern than the northern people, and hence more of the former than the latter will go there. No rich mines of either gold or silver have as yet been discovered there to attract an extraordinary number of free laborers from the North to the country; and unless slavery be prohibited there, the attempt will be made to introduce it, and probably successfully made.

But, sir, within a very short time the ground which this House did at first occupy, the ground which the last House occupied, has been surrendered and given up, and now we are told by our southern friends that the Wilmot proviso is dead—that your anti-slavery cause has been abandoned by the House, and that its real friends are the derision of the majority. It must be exceedingly gratifying to those Representatives of free northern constituencies who voted down the Wilmot proviso the other day, to be told to their faces that the Wilmot proviso is dead; that it has been murdered in the house of its friends; that its own professed advocates and supporters have trampled it under their feet. That is the way it was killed, if killed it has been. But don't take that as a settled question. So far as this House can kill it, it has, I confess, been killed; but I tell you it is a living, abiding principle in the hearts of the people of the free States. And it may turn out after all that instead of killing the Wilmot proviso those patriotic gentlemen have only been committing suicide. There are not ten men in this Hall coming from free States that could have got here had it been understood by their constituents that they were opposed to the Wilmot proviso. There are not two Whigs from free States who could have got here had they told their constituents before they were elected that they would do as some of them have done since. But there has been a great change going on in the public mind; a marvelous light has been let in upon the minds of some gentlemen. Why, when this question first arose this session upon the motion of the gentleman from Georgia, [Mr. Stephens,] to lay the resolution upon the table, that motion was lost by some eighteen or twenty majority. In three or four weeks the same motion was made, and was carried by 26 majority. That is very fast for even the arguments of power and patronage to work upon minds open to conviction. Yes; we get a message from the President—no Executive interference, of course—but we get a message recommending non-intervention; or is it non-action?—I am not sufficiently schooled in the court dialect to detect the difference,—and thus it is understood what kind of action here will be acceptable at the other end of the Avenue; and that is enough for certain gentlemen. It gave them their cue; it taught them the way to pay court to the powers that be—to make themselves acceptable to the great Taylor republican Chief and Cabinet—and down went the proviso. And yet some of these very gentlemen at home, a very short time since, were finding fault with free soilers for not going far enough on this question of free soil. I could not keep up with them in Ohio when I refused to support such a free-soil candidate as General Taylor. They doubted my sincerity. It was apparent to all, that had it been believed in the South that he was for the proviso, he could not have got a southern electoral vote. I think there is no doubt about that. And had it been known in the North that he was against it, and would use his influence against it—that he would send such messages to Congress as he has sent since the commencement of this session, he could have got but a precious few there. The "indomitable anti-slavery Whigs" of New York and Pennsylvania might have done something for him. But out of those two States he would not have gone far. It was evident that either the North or South was to be deceived—the Wilmot-proviso men or the pro-slavery men. It was a pretty even chance some thought; but I confess I deemed the sugar plantation, with three hundred slaves, would be a *little dust* on one side of the balance. But it was nothing more than a game at the best. I neither wanted to cheat nor to be cheated; and hence I took no part in it. I stood out. And now we find how the thing works. We are to have nothing done. And here, gentlemen, the friends of this Administration, who boasted of their devotion to free-soil principles before their constituents, who are in favor of doing nothing now, vote to lay on the table the Wilmot proviso. Not all of them do that. There are among them many who do not vote at all, though they are here or hereabouts. It is bad enough for gentlemen representing constituencies in favor of the proviso to vote against it, but it is worse—at least I regard it as worse—for such to refuse to vote on the question. Better, sir, vote wrong than dodge. What a scattering there was here when the yeas and nays had been ordered on the motion to lay my resolution on the table. Some gentlemen had not even time to take their hats out with them. What a number of friends we had calling on us at that moment. What a sickly season that was,

and what a spectacle the whole thing presented. Gentlemen each representing at least 70,000 free people, and authorized to speak and act for them, neither spoke nor acted at all. They, sir, are the true *non-actionists*. They carry out the views of the Executive in spirit and in truth.

It is not long, sir, since my friend and colleague [Mr SCHENCK] made an eloquent speech here, in which he handled us Free Soilers pretty roughly, because, as he said, we had refused to vote for a decided and consistent friend of the proviso, and had thereby contributed to the election of a slave-holding Speaker. It is true that we might have voted for my friend's candidate, and possibly, with our votes, he might have been elected; but what kind of a Speaker should we have got if he had been? Why, one of these non-actionists. A friend of the proviso, sir? Yes, a friend

"Willing to wound, and yet afraid to strike"

the proviso. Between such a friend and an enemy, I think there was not much to choose, though, as a general rule, I would prefer an open enemy to a skulking friend.

The friends of the Administration, by their celebrated "plurality rule," sought to make the Free Soilers choose between their candidate and the present Speaker. They sought to drive us on to their favorite ground—"a choice of evils"—but we would choose neither, sir. They were caught in their own trap, and were constrained to vote to confirm the election of the very man they had *professedly* tried to defeat. It was very natural that they should feel vexed, still they ought not to have charged the result of their bad management over to the Free Soilers; but they are welcome to all they can make out of it. If we had even lacked a good reason for our course at the time, their candidate has been so obliging as to furnish us with one since. I would suggest to my friend, that when he publishes a second edition of his speech, he should add a note informing his readers that the Wilmot-proviso candidate, for whom the Free Soilers would not vote, would not himself vote for the proviso afterwards. No, sir, he was not in his seat, nor is he now.

There is another possible motive for the conduct of the non-actionists, which has just occurred to my mind; and as I am willing to ascribe the best motive that the case will admit of, I will state it. It may be, that these gentlemen had been forewarned that the proviso was about to be done to death, and that as their tender sensibilities would not permit them to witness the execution, they just stepped out until it was over. If gentlemen can think of anything better than this, I wish they would suggest it.

What reason, Mr. Chairman, will northern gentlemen, who profess to be opposed to the extension of slavery, and who yet voted against the proviso or refused to vote at all, give for their action or their non-action? Thus far they have been as dumb as fish; but some of the newspapers have reasons as thick as blackberries for both sorts of gentlemen.

First, they say the resolution was premature. Was it any more premature the other day than it was a month before? Why did not they vote to lay it on the table when it was first offered? Is it any more premature now than it was at the last session of Congress? and yet at that session a similar resolution was passed by the House, and it called forth two bills—one for California and the other for New Mexico. Was a bill any more necessary for New Mexico then than now? It is a little singular to find these gentlemen following in the footsteps of General CASS so closely in all respects. He, you may remember, was vociferous for the proviso in August, 1846, at the close of the first session of the twenty-ninth Congress, when he regretted exceedingly that Governor Davis defeated it by his ill-timed speech, as he called it. At the next session it was *premature*, and at the next it was unconstitutional. When will these gentlemen arrive at that point also? Shortly, sir, if they keep the course they have started upon.

Next they say it is unnecessary. Unnecessary! Why was not this found out in 1848? That was one of General CASS's excuses then, and nobody denounced him for it more than these same gentlemen. I have already stated my views on this point. If gentlemen have any other reasons to give, they may give them themselves. I have mentioned their two best—no, not theirs, for they borrowed them both, or rather picked them up after the owner had thrown them away.

The Democratic Representatives from free States, who still adhere to the CASS doctrine of "non-intervention," would of course vote against the proviso. Nothing else was expected of them; but there are some who have professed to be in favor of the proviso, and yet voted against it the other day, and others who didn't vote at all. Have they returned to their first love? Didn't they get enough of non-intervention at the last Presidential election, or do they still hope to make another trial with the same or a similar candidate? Do they still hope to conciliate the South—poor men?

I rejoice, Mr. Chairman, to be able to say that there are many (I wish there were more) representatives from the free States, in this House, of both the great political parties, who not only talk in favor of Free Soil at home, but vote in favor of it here. Gentlemen who can neither be prevailed upon by threats on the one hand, nor cajoleries on the other, to swerve from their principles or their duty; and however much I may differ with them on other questions, whilst this great question of the extension or non-extension of slavery remains open and unsettled, and whilst I hold a seat in this Hall, it will be honor enough for me to bear my humble part with them in our common effort to restrict slavery, at least to its present limits. If my voice could reach their constituencies, I would say to every true Free Soiler among them—look to it that your representatives be well sustained at home.

Now gentlemen talk about what will happen if the North shall continue its "aggressions." This is a purely speculative question, for I suppose, as far as this Congress is concerned, there is to be no further aggression. No; this aggressive policy is stopped; it has ceased. But, I have said, and gentlemen must pardon me if I still say and believe it too—that there is but one thing more absurd than this talk about the dissolution of the Union; and that is, the alarm which some gentlemen feel about it. Dissolve the Union! It is a mere speculative question, because the North will not go on aggressing. No; so many northern Representatives have already backed out of the proviso. And, judging from what has been the effect of these "solemn warnings" upon them, we can come at least to a guess as to what they will

do in future. A stranger coming in here fresh from the people might get some queer notions concerning the object and policy of the red-hot speeches that we sometimes hear from our southern friends. But, Mr. Chairman, nothing tells like them upon this House—nothing, sir. I don't question the sincerity of gentlemen at all. But if I could question it I should still be obliged to admit that the thing was well done -that it was politic at least—for it works like a charm. These "solemn warnings" knocked the free-soil out of some of the Representatives from the free States as the flax-dresser whips out shives.

This work of dissolving the Union would, if the North were to stand up to its position, be found a very different business from what some gentlemen seem to suppose. I remarked in the first part of the session that whatever might turn up, however the Union might be dissolved, gentlemen had better make their calculations upon one thing as settled, that the Mississippi river will be free as long as water flows in it. I say so still. I have been a little misquoted by the gentleman from Alabama [Mr. HILLIARD] and the gentleman from North Carolina, [Mr. CLINGMAN,] who represented me as having spoken of the *mouth* of the Mississippi merely. Gentlemen, we cannot take up with the *mouth* of the Mississippi. No, you cannot get off in that way; but I tell you the whole Mississippi, from its mouth to its source—whatever your southern convention may do, whatever resolves they may pass—will remain forever free to the people of the old Northwestern Territory. Aye, the children of the first born of the ordinance of 1787 would float up and down that river free whenever and as long as they please. That you may rely upon. And my friend from North Carolina [Mr. CLINGMAN] would get his ideas a good deal enlarged upon that subject if, instead of going to Saratoga and Newport, laying baits for "valentines," (a laugh,) he will come out to the Northwest, if he will look at our rivers and scrutinize closely the lads who navigate them. If he will go to the wharves of Pittsburg or Cincinnati; if he will go to any of our western river towns he will conclude at once that it would be the most difficult thing in the world to prevent the western boys from going the whole length of the Mississippi and back again—out and back, sir, at their own will and pleasure. Not that I doubt the chivalry, the gallantry and courage of the southern people. Not even the vaunting of that gallantry of which we have had a spice, can bring it under suspicion with me. Why, I would not own them for fellow-citizens if I did not think them brave. But I must say that a less gallant people might have their courage brought under suspicion by some of the talks we have heard. It is not the way folks confident in their own strength ordinarily talk. But then it depends a good deal upon how they have been brought up. [A laugh.]

Dissolve the Union! How will it work? Suppose you do meet in convention and resolve that the Union is dissolved, will that absolve the President of his official oath? Will he not stand there still clothed with the authority, armed with the power to execute the laws of the land? And would they be executed? Well, they would. There is no mistake about it. It would be right in his line of business. And let me suggest to you another thing that would follow as an inevitable consequence, the star-spangled banner, the spread-eagle, and so forth, with fifes and drums, and all that sort of thing, would be paraded through your States. I will say one word more—a mere matter of opinion of course—that you had better have a Frederic Douglass on every plantation of the South, lecturing upon the "God-given rights of man," than to have this kind of military fuss and parade among you. It wouldn't be favorable to your "peculiar" institution. [Laughter.] It would go a great way to enlighten your slaves as to the real, not market, value of weak heads and strong arms—the very material for mobs and insurrections. And if there is any institution on the face of the earth—not excepting the despotism of Russia—that should be conservative—that should shun everything like civil war, insurrection, or mob violence—that should avoid everything which goes to teach men with arms that they can, if they only make the right kind of an issue, overcome men with brains—it is your institution of slavery. And it may be, or rather might be, if we were now to have the will of the majority of the people of this country carried out, and you were to remain in your present frame of mind, that you would rush upon a crisis that would make it necessary for you to speedily execute in part what is evidently the decree of God—the extermination of slavery throughout the world. You might produce a state of things which would make it necessary to bring about, so far as this country is concerned, this result by your own means; aye, you might arouse and bring into action the war power—which is almost unlimited by the Constitution—the war power—the military despotism, that would use your slaves just as it would fuel or fodder, to promote its own success. When opposing armies should be marching and counter-marching through your land, do you suppose that you could keep all your slaves quiet? Would they be likely to remain neutral in a civil war?

Mr. Chairman, I find that without touching upon some topics to which I had intended to allude, my time is almost exhausted. I regret as much as any man can that the North—the free States, by their Representatives here—have fallen (in their works) so far short of the faith they professed. But I avow it as my opinion, as my decided opinion, that those Representatives have mistaken the will of their constituents. And, though I certainly make no threats, and would not, if I had the power to execute them, I believe that those gentlemen who have found it consistent with their sense of duty to vote down the proviso, or evade voting upon it at all, will get more light in one week after they reach their homes, than they did in eight weeks after they arrived here—and that was a great deal.

My time is so nearly out, that I will detain the committee no longer.

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